

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CLAUDIO CASTRO §  
VS. § CIVIL ACTION NO. 1:19cv339  
MICHAEL B. CROW, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Claudio Castro, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

Plaintiff has filed a motion seeking a preliminary injunction (doc. no. 4). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be denied as moot because plaintiff was transferred to a different prison unit after he filed his motion. *See Cooper v. Sheriff, Lubbock County*, 929 F.2d 1078, 1084 (5th Cir. 1991).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed a document entitled objections.

If objections are filed, the court is required to conduct a *de novo* review of the objections. *See* 28 U.S.C. § 636(b)(1)(C). However, in his objections (doc. no. 21), plaintiff states that in light of his transfer to a new unit, he no longer seeks a preliminary injunction and asks that his motion be denied. In addition, plaintiff asserts that his transfer does not provide a basis for dismissing this lawsuit.

The court agrees with the Magistrate Judge's recommendation regarding the motion. Plaintiff's transfer to a new unit rendered his motion for preliminary injunctive relief moot. The court also agrees with plaintiff's assertion that his transfer does not provide a basis for dismissal of this lawsuit.

## ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. Plaintiff's motion for a preliminary injunction is **DENIED**.

SIGNED this 17th day of March, 2020.



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Michael J. Truncale  
United States District Judge